

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

UNITED STATES OF AMERICA §
§
Plaintiff, §
§
v. § CASE NO. 7:21-CV-003
§
29.36 ACRES OF LAND, MORE OR LESS, §
SITUATE IN STARR COUNTY, §
STATE OF TEXAS; AND JOHN F. J. §
GUERRA, et al., §
§
Defendants. §

UNITED STATES' STATUS REPORT

Plaintiff United States of America (“United States”), through the undersigned Assistant United States Attorney, files this Status Report, in compliance with the District Court’s May 10, 2021, Scheduling Order¹ and informs the Court as follows:

1. On January 4, 2021, Plaintiff filed a Complaint in Condemnation² and Declaration of Taking³ pursuant to 40 U.S.C. §§ 3113 and 3114 for the taking of a temporary easement to enter in, on, over, and across Defendants’ real property identified as RGV-RGC-R1618E located in Starr County, Texas. Plaintiff named as interested party in Schedule G: John F.J. Guerra. (Defendants”).
2. The estimate of just compensation in the amount of One Hundred Dollars and no/100 (\$100.00) was deposited into the registry of the Court on January 13, 2021.⁴

¹ Dkt. No. 16.

² Dkt. No. 1.

³ Dkt. No. 2.

⁴ Dkt. No. 6.

3. Plaintiff filed an Amended Joint Discovery/Case Management Plan⁵ (“JDCMP”) and advised the Court that attempts at conferring with Defendant/landowner have been unsuccessful.

4. As a result of the JDCMP, this Court issued a Scheduling Order⁶. As part of the Scheduling Order the Court orders the parties to notify the Court whether the parties (1) consent to the Court deciding the issue of just compensation upon briefs and evidence submitted therewith or (2) request an evidentiary hearing on the issue of just compensation, by June 17, 2021.

5. Plaintiff attempted to confer with Defendant and obtain his position as to the above, but as of the filling of this Status Report communications with Defendant/landowner continue to be unsuccessful.

6. In compliance with the Scheduling Order, the United States now notifies this Court that it consents to the Court deciding the issue of just compensation upon briefs and evidence submitted therewith.

WHEREFORE, the United States respectfully requests this Court be informed as to the aforementioned.

Respectfully submitted,

JENNIFER B. LOWERY
Acting United States Attorney Southern
District of Texas

BY: s/ *Hilda M. Garcia Concepcion*
HILDA M. GARCIA CONCEPCION
Assistant United States Attorney
Southern District of Texas No.3399716
Puerto Rico Bar No. 15494
1701 W. Bus. Highway 83, Suite 600
McAllen, TX 78501
Telephone: (956) 618-8004
Facsimile: (956) 618-8016

⁵ Dkt. No. 15.

⁶ Dkt. No. 16.

E-mail: Hilda.Garcia.Concepcion@usdoj.gov
Attorney-In-Charge for Plaintiff

CERTIFICATE OF SERVICE

I, Hilda M. Garcia Concepcion, Assistant United States Attorney for the Southern District of Texas, hereby certify that on this day, June 16, 2021, a copy of the foregoing was served on all parties in accordance with the Federal Rules of Civil Procedure.

By: s/ *Hilda M. Garcia Concepcion*
HILDA M. GARCIA CONCEPCION
Assistant United States Attorney